

in the aggregate, the same interconnection charges as are charged to its competitors, plus the costs of any other services and functionalities actually used by the incumbent local exchange carrier. The incumbent local exchange carrier shall not impose restrictions on how the interconnections can be used by the requesting carrier.

(c) The incumbent local exchange carrier shall provide, on non-discriminatory terms, interconnections equal in quality to those it uses itself or provides to affiliates or to any other carrier. If it is technically infeasible to do so, the incumbent local exchange carrier shall provide interconnections that are the equivalent in quality, from the perspective of both the requesting carrier and its customers, to the interconnections it provides to itself or other parties. In the event interconnections of equal quality cannot be provided, the charges shall appropriately reflect the lesser quality of interconnection. The incumbent local exchange carrier shall not be deemed to have provided interconnections equal in quality to those it uses itself until it provides electronic bonding as ordered in CC Docket No. 96-98.

(d) In addition to the foregoing, the rules and policies (other than those pertaining to pricing) applicable to physical and virtual collocation, promulgated in CC Docket No. 91-141, shall also apply.

(e) The rates and charges for interconnection shall be set equal to total service long run incremental costs ("TSLRIC"), plus an allowance for shared costs not to exceed 15% of TSLRIC.

#### **§X.6 Unbundled network elements**

(a) For purposes of this section, the term "network element," as defined in §3(29) of the Act, shall not be construed to include services (such as custom calling features) offered as retail services to non-carrier customers.

(b) Carriers purchasing unbundled network elements from an incumbent local exchange carrier are entitled to utilize such elements to provide any service for which that element can be used, including exchange access service. The incumbent local exchange carrier shall not assess such carrier any interstate or intrastate access charges that relate to such element.

(c) Each incumbent local exchange carrier shall provide, at a minimum, the following unbundled network elements:

- (1) loops, i.e., channels from the requesting carrier's or end-user's premises to the host office in the same exchange, or to the remote switch if there is no host switch in such exchange;
- (2) local switching, i.e., the ability to switch calls from one line to another, or from a line to a trunk;
- (3) tandem switching, i.e., trunk-to-trunk connections;
- (4) transport, i.e., transmission of call, either on dedicated or common facilities, between incumbent local exchange carrier offices and between an incumbent local exchange carrier office and a location designated by the requesting carrier;

- (5) access to databases and signaling systems; and
- (6) billing data.

(d) Any carrier requesting the unbundling of a network element other than those specified in paragraph (c) of this section shall define the requested network element with sufficient detail (e.g., the facility, equipment, feature, function or capability requested) to permit meaningful evaluation by the incumbent local exchange carrier. The incumbent local exchange carrier has the burden of proof to show that providing a requested unbundled network element is not technically feasible. Once an unbundled network element is made available by any incumbent local exchange carrier, it is presumed that it is technically feasible for other incumbent local exchange carriers, using like technology, also to provide such element. If an incumbent local exchange carrier claims that provision of an unbundled network element is not technically feasible, it shall:

- (1) offer the requesting carrier economical alternatives to the network element that the incumbent local exchange carrier believes is not technically feasible;
- (2) describe to the requesting carrier how the requested network element's functions are accomplished within the incumbent local exchange carrier's own network;
- (3) explain to the requesting carrier why the incumbent local exchange carrier's own network element's functions cannot be used for the requested interconnection;
- (4) undertake studies and analyses to assess the technical feasibility of providing the requested network element, and provide the requesting carrier with all such studies and analyses; and
- (5) provide the requesting carrier with all other relevant information and documents that the incumbent local exchange carrier relied upon to conclude that providing the requesting network element was not technically feasible.

All such information may be provided by the requesting carrier to the State commission under §252 of the Act.

(e) The rates and charges for unbundled network elements shall be set equal to TSLRIC, plus an allowance for shared costs not to exceed 15% of TSLRIC.

(f) The rate structure for unbundled network elements shall recover costs in a manner that reflects the way costs are incurred. Non-traffic sensitive charges shall be used for dedicated facilities, and costs of shared facilities shall be apportioned fairly, efficiently and in a competitively neutral manner among the users of such facilities. Charges for loops shall either be flat charges or distance-sensitive flat charges. Charges for local switching shall consist of a charge for the dedicated interface plus a charge for basic switching capacity based on the number of links from such interface into the switch. Transport charges shall utilize the structure adopted in CC Docket No. 91-213, except that the residual interconnection charge does not apply. Density zone pricing shall be employed for all unbundled network elements the costs of which vary with density.

(g) The incumbent local exchange carrier shall impute to its retail prices in the aggregate the charges for unbundled network elements plus the costs of other services and functionalities actually used by the incumbent local exchange carrier.

## **§X.7 Resale**

(a) Each local exchange carrier shall make available for resale, all services and service features offered at retail to consumers: Provided, however, that local exchange carriers may preclude the resale of residential local exchange service to business customers so long as residential and business services, provided over identical facilities, are required by the State commission to be priced differently.

(b) Incumbent local exchange carriers shall charge wholesale rates, for each service for which resale is required, set at the retail rate, less the sum of the avoided costs (both fixed and volume-sensitive) for each category of costs (e.g., marketing, sales, billing and collection) that are not incurred in providing service to retail subscribers: Provided, however, that in calculating such avoided costs, the incumbent local exchange carrier shall be credited with any added costs that are incurred because of the provision of the service on a wholesale basis.

## **§X.8 Reciprocal compensation for transport and termination of traffic**

(a) This section applies to reciprocal compensation arrangements between an incumbent local exchange carrier and any other carrier for transport and termination of local traffic originating on the network of one carrier and terminating on the network of the other carrier.

(b) Rates for transport and termination of traffic subject to this section shall be set equal to the TSLRIC: Provided, however, that with respect to charges for termination, no costs of non-traffic sensitive facilities shall be included in the computation of TSLRIC. The charges for termination shall consist of capacity-based port charges.

(c) Notwithstanding paragraph (b) of this section, for no more than a two-year period commencing with the date each carrier begins to exchange local traffic with the incumbent local exchange carrier, bill-and-keep shall be employed for termination – i.e., neither carrier shall charge the other carrier for termination. Nothing in this paragraph or paragraph (b) of this section shall preclude carriers from agreeing to employ bill-and-keep for a period longer than two years, or from agreeing to a different arrangement, consistent with paragraph (b), before the end of the two-year period.

## **§X.9 Dialing Parity**

(a) Each local exchange carrier shall enable its customers to receive calls originating on another carrier's network, and place calls terminating on another carrier's network, without dialing extra digits (including access codes or personal identification numbers), paying additional fees, or incurring unreasonable dialing delays. Such calls include local calls, and international, interstate and intrastate toll calls. For purposes of this paragraph, dialing delays encompass the period beginning when the caller completes dialing the call and ending when the local exchange carrier delivers the call to a competing service provider.

(b) In carrying out its duties under paragraph (a) of this section, each local exchange carrier shall permit its customers to presubscribe to a carrier for all interLATA toll calls and international calls; and to choose between that carrier and the local exchange carrier to handle intraLATA toll calls. Such presubscription shall be carried out by all incumbent local exchange carriers that are subject to equal access requirements pursuant to §251(g) of the Act through balloting and allocation procedures adopted in CC Docket Nos. 83-1145 and 78-72, except that no reballoting shall be required if intraLATA equal access becomes available after interLATA equal access has been implemented.

(c) Each local exchange carrier customer shall be permitted to:

- (1) reach a local operator by dialing "0" or "0" plus a local number;
- (2) reach a directory assistance service; and
- (3) obtain a directory listing regardless of the identity of the customer's local exchange carrier,

on non-discriminatory terms.

#### **§X.10 Access to Right of Way**

(a) Each local exchange carrier shall provide competing local exchange carriers with access to its poles, ducts, conduit and rights-of-way, subject to availability of space, and to reasonable safety, reliability or general engineering requirements, on the same terms and conditions available to itself and/or its affiliates. Any local exchange carrier that restricts such access shall bear the burden of justifying the reasonableness of such restriction and shall provide to the requesting carrier all information relevant to such restriction, including, but not limited to, a showing of current fill factors, expected demand growth rates, and timelines for future capacity increases or upgrades.

(b) Each local exchange carrier shall charge all users of its poles, ducts, conduits and rights-of-way the same rate for such access, regardless of the service being provided. This requirement shall expire 5 years after the date of adoption of this rule.

(c) No local exchange carrier may enter into an agreement that grants such carrier an exclusive easement or any other exclusive right of access for the provision of communications services.

**CERTIFICATE OF SERVICE**

I, Joan A. Hesler, hereby certify that on this 20th day of May, 1996, a true copy of the COMMENTS OF SPRINT CORPORATION was hand delivered, upon each of the parties listed below.

  
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